

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1611

Introduced by Assembly Member Bonta

February 6, 2014

An act to amend Section 3543.2 of the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Bonta. School employees: scope of representation: notice.

Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers, and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law provides that all other matters are reserved to the public school employer and may not be a subject of meeting and negotiating.

This bill would require a public school employer to give *reasonable* written notice ~~of not less than 15 working days~~ to the exclusive representative of ~~classified personnel~~ *the employees* of the public school employer's intent to make any change to matters within the scope of representation of those employees, including, but not limited to, start time and hours of employment, for purposes of providing the exclusive representative a reasonable amount of time to negotiate proposed changes with the public school employer. The bill would also make nonsubstantive changes to this provision. By imposing new duties on public school employers, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3543.2 of the Government Code is
2 amended to read:
3 3543.2. (a) (1) The scope of representation shall be limited
4 to matters relating to wages, hours of employment, and other terms
5 and conditions of employment. "Terms and conditions of
6 employment" mean health and welfare benefits as defined by
7 Section 53200, leave, transfer and reassignment policies, safety
8 conditions of employment, class size, procedures to be used for
9 the evaluation of employees, organizational security pursuant to
10 Section 3546, procedures for processing grievances pursuant to
11 Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of
12 probationary certificated school district employees, pursuant to
13 Section 44959.5 of the Education Code, and alternative
14 compensation or benefits for employees adversely affected by
15 pension limitations pursuant to former Section 22316 of the
16 Education Code, as that section read on December 31, 1999, to
17 the extent deemed reasonable and without violating the intent and
18 purposes of Section 415 of the Internal Revenue Code.
19 (2) A public school employer shall give *reasonable* written
20 ~~notice of not less than 15 working days~~ to the exclusive
21 ~~representative of classified personnel of~~ the public school
22 employer's intent to make any change to matters within the scope
23 of representation of ~~those~~ *the employees represented by the*
24 *exclusive representative*, including, but not limited to, start time
25 and hours of employment, for purposes of providing the exclusive
26 representative a reasonable amount of time to negotiate with the
27 public school employer regarding the proposed changes.

1 (3) The exclusive representative of certificated personnel has
2 the right to consult on the definition of educational objectives, the
3 determination of the content of courses and curriculum, and the
4 selection of textbooks to the extent those matters are within the
5 discretion of the public school employer under the law.

6 (4) All matters not specifically enumerated are reserved to the
7 public school employer and may not be a subject of meeting and
8 negotiating, except that this section does not limit the right of the
9 public school employer to consult with any employees or employee
10 organization on any matter outside the scope of representation.

11 (b) Notwithstanding Section 44944 of the Education Code, the
12 public school employer and the exclusive representative shall,
13 upon request of either party, meet and negotiate regarding causes
14 and procedures for disciplinary action, other than dismissal,
15 including a suspension of pay for up to 15 days, affecting
16 certificated employees. If the public school employer and the
17 exclusive representative do not reach mutual agreement, Section
18 44944 of the Education Code shall apply.

19 (c) Notwithstanding Section 44955 of the Education Code, the
20 public school employer and the exclusive representative shall,
21 upon request of either party, meet and negotiate regarding
22 procedures and criteria for the layoff of certificated employees for
23 lack of funds. If the public school employer and the exclusive
24 representative do not reach mutual agreement, Section 44955 of
25 the Education Code shall apply.

26 (d) Notwithstanding Section 45028 of the Education Code, the
27 public school employer and the exclusive representative shall,
28 upon request of either party, meet and negotiate regarding the
29 payment of additional compensation based upon criteria other than
30 years of training and years of experience. If the public school
31 employer and the exclusive representative do not reach mutual
32 agreement, Section 45028 of the Education Code shall apply.

33 (e) Pursuant to Section 45028 of the Education Code, the public
34 school employer and the exclusive representative shall, upon the
35 request of either party, meet and negotiate a salary schedule based
36 on criteria other than a uniform allowance for years of training
37 and years of experience. If the public school employer and the
38 exclusive representative do not reach mutual agreement, the
39 provisions of Section 45028 of the Education Code requiring a
40 salary schedule based upon a uniform allowance for years of

1 training and years of experience shall apply. A salary schedule
2 established pursuant to this subdivision shall not result in the
3 reduction of the salary of a teacher.

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.